

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ROY KNIGHT,

Petitioner.

v.

UNITED STATES OF AMERICA,

Respondent.

Criminal Action Number 3:03CR163

Civil Action Number 3:04CV772

ORDER

THIS MATTER comes before the Court on Petitioner Roy Knight's pro se Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, filed on October 21, 2004 and Petitioner's Motion to Dismiss Current Motion Under 28 U.S.C. § 2255 Motion Requesting Court to Accept Second Motion Under 28 U.S.C. § 2255 as First in Light of Defendant's Request to Dismiss Previous Motion, filed on December 14, 2004. For the reasons stated in the accompanying Memorandum Opinion, Petitioner's § 2255 Motion is DENIED and Petitioner's Motion to Dismiss Current Motion Under 28 U.S.C. § 2255 Motion Requesting Court to Accept Second Motion Under 28 U.S.C. § 2255 as First in Light of Defendant's Request to Dismiss Previous Motion is DISMISSED FOR LACK OF JURISDICTION.

Petitioner is advised that he may appeal the decision of the Court. Should he wish to appeal, he must file his notice of appeal with the Court within sixty (60) days of the date of entry of this Order.

Let the Clerk send a copy of this Order to all parties of record.

It is SO ORDERED.

/s/ James R. Spencer
UNITED STATES DISTRICT JUDGE

MAY 6, 2005
DATE